

complaint

Mr B complains that Leyton Insurance Consultants Limited insured a car with the wrong registration number on his motor policy, and did not give him sufficient assistance when his car was seized and then crushed by the police for not being insured. He wants substantial financial compensation for the trouble and inconvenience he has been caused.

Mr B is represented in this complaint by Ms C.

background

In August 2010 Mr B asked Leyton to arrange insurance for a car he was buying. It arranged cover for a car with a registration number which I shall call y.

In March 2011 Mr B was stopped by the police when driving a car with a different registration, which I shall call z, for driving without insurance. On the following day he went to Leyton and asked it to change the registration number of his insured car to z, which it did. Mr B did not tell Leyton why he wanted the change made. Subsequently Mr B's car with registration number z was crushed by the police because it was uninsured when stopped, and Mr B was also prosecuted for driving without insurance.

Mr B says that Leyton insured his car with the wrong registration number. Leyton says that it arranged insurance on the car for which Mr B provided the registration number, and that it did not make any mistake.

Mr B also says that Leyton did not do enough to help him when he asked for its help in proving that his car was insured and should not be crushed.

Our adjudicator did not recommend that the main part of the complaint should be upheld. She concluded, in summary, that Leyton had not made any error and was not therefore responsible for Mr B's car being crushed. She also found that Leyton was not told of the issue until after the car had been crushed – so it could not have helped him avoid that happening.

The adjudicator did, however, find that Leyton's handling of Mr B's complaint had been poor, and in particular that it had not complied with the then Financial Services Authority's complaint handling rules. For this she recommended that Leyton pay Mr B £100 in compensation.

Leyton agreed to the adjudicator's recommendation but, on behalf of Mr B, Ms C does not. She continues to say that Leyton insured the car with the wrong registration number, and that after Mr B's car was crushed he had to pay substantial taxi fares to attend regular hospital appointments. She wants total compensation of over £1,100 paid to Mr B.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

When Mr B asked Leyton to insure the car he was buying in August 2010 it issued him with an insurance certificate showing the registration number y. Mr B did not tell Leyton that this

was wrong, and only asked for the registration number to be changed after his car had been seized by the police – and also did not tell Leyton why this was necessary at the time.

Ms C says that Mr B may have been unable to read the insurance certificate and so was unaware of the incorrect registration number being listed on it, but I do not consider Leyton could have obtained that registration number from anyone except Mr B. It is possible that he was considering a number of potential cars and became confused about the registration number of the one he chose (the make and model being very similar for two of the cars), so I am satisfied that the error over the registration number was not made by Leyton.

I am also satisfied that, being unaware of what had happened, Leyton could not have done anything to help Mr B to avoid his car being crushed. It is therefore not fair and reasonable to expect Leyton to compensate Mr B for the loss of his car or the additional costs he has incurred as a result.

I do find, however, that Leyton failed to respond properly to Mr B's complaint, and compensation for that of £100 is appropriate.

my final decision

For the reasons given above it is my decision that I do not uphold the main part of this complaint against Leyton Insurance Consultants Limited. I do, however, find that it failed to respond adequately to Mr B's complaint, and for that I require it to pay Mr B £100 in compensation.

Malcolm Rogers
ombudsman